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# Protection of the people of the Indian Territory, etc.

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## PROTECTION OF THE PEOPLE OF THE INDIAN TERRITORY, ETC.

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APRIL 3, 1896.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. CURTIS, of Kansas, from the Committee on Indian Affairs, submitted the following

### REPORT:

[To accompany H. R. 7907.]

The Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 19) to authorize the Secretary of the Interior to suspend the removal of intruders from the Cherokee country until further action by Congress, the bill (H. R. 6309) to provide for the security to persons and property in the Indian Territory and for other purposes, and the bill (H. R. 7378) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes, have given the same careful consideration, recommend that the said resolution and bills do lie on the table, and that the substitute prepared by the committee do pass, and said committee submits the following report:

Knowing the importance of the question involved, your committee devoted over three weeks in hearing the interested parties and officers of the Government; each of the Five Civilized Tribes—the Cherokees, the Creeks, the Choctaws, the Chickasaws, and the Seminoles—are affected by this bill, and each of said tribes were heard by their attorneys, and several members of the tribes presented their views upon the proposed legislation; members of the Dawes Commission, who have spent two years in the Territory, explained the condition of affairs as they found them there, in short, all interested parties were given full opportunity to be heard.

Your committee is fully satisfied that there must be a change in the government of the Territory, and they believe the sooner it is made the better it will be for all concerned.

There are now about 300,000 people in that country, not more than 50,000 of whom are Indians; about 7,000 are intruders, and the others are white people from all parts of the United States.

Railroads have penetrated every part of it; flourishing towns have sprung up, and the inhabitants, outside of the members of the Indian tribes, have no schools and no certainty as to the length of time they will be permitted to remain in the towns where they have located.

One of the principal sources of trouble in this Territory is the lack of proper criminal jurisdiction, and your committee has, by the first section of this bill, extended the criminal laws of the United States over it, and thus given to the United States courts power to try all persons charged with crimes and misdemeanors committed within their

respective jurisdiction, without regard to the race or citizenship of the offenders. It has also extended certain sections of the criminal laws of the State of Arkansas over said Territory.

The second, third, fourth, fifth, sixth, and seventh sections of the bill gives said courts jurisdiction in certain civil suits arising between citizens of the United States, or between citizens of the United States and members of either of said tribes of Indians, between Indians of different tribes in said Territory, and in appeals from the Indian courts.

The intruders have been the cause of no end of trouble in said Territory, and the United States has frequently promised and agreed to remove them, but has never done so, and your committee has endeavored to provide a way to settle that much vexed question.

Under section 8, parties claiming to be citizens of the several tribes are given six months within which to apply to the proper authorities of the tribes for admission, and the question shall be settled within thirty days after such application, or, under section 9, said parties may apply, if they prefer, to the Dawes Commission, which is continued under this act, for citizenship, but such application must be made within six months after the passage of this act and must be decided within ninety days after the application, but either the tribe or applicant if aggrieved may appeal to the United States courts.

Section 10 directs the Commission to make rolls of citizenship for each of said tribes, taking such as are now on said roll and adding thereto all whom they may find entitled to citizenship, but in determining the question of citizenship said Commission is to be governed by the rolls of the tribes, their laws and regulations, if not inconsistent with the laws of the United States, or in violation of treaty stipulations.

After the rolls of citizens are made and the land surveyed the commission is required to allot the exclusive use and occupation of the lands of said tribe which are susceptible of such allotment.

The committee was convinced that there are many rich deposits of coal and other minerals in said Territory and that the tribes are not deriving the benefit from them that they should, but that individual members and those holding leases from them are deriving all the profit, so it has provided in sections 10 and 11 that all the valuable coal and mineral deposits be reserved to the tribes and set aside as incapable of division and that such deposits be hereafter leased according to the rules and regulations provided by the Secretary of the Interior, but rights held with the consent of Congress are not impaired and parties holding leases under the customs and laws of the tribes, which have resulted in producing coal in commercial quantities, are to be preferred in the making of new leases, and due consideration shall be given for the improvements they have made.

Section 10 also provides for the setting aside of town sites, which are referred to in another part of this report.

Section 12 provides for the filing with and the conformation of the allotment by the Secretary of the Interior, and section 13 provides for the disposition of the right of use and occupancy in case of death of the person to whom allotments have been made.

Section 14 limits the time within which civil action may be brought under the act. Sections 15 and 16 authorizes the Commission to survey and lay out town sites for the fixing of ground rentals for said lots and provides for the renting of the same by the year after the plats and ground rentals are approved by the Secretary of the Interior, and section 17 makes unpaid rents a lien upon the improvements.

Your committee did not go as far on the town-site question as it desired, believing that under the circumstances it would be better at this time to provide for the laying out of towns and placing a limitation on the time for which leases might be made, believing that at the next session of this Congress or that the next Congress would be much better prepared to legislate upon this question.

The committee went as far as it deemed advisable at this time, and it expects the tribes, before the next session of Congress, will consent to a proper town-site law.

Section 18 enables the inhabitants of any town in the Territory having 200 or more residents to petition the United States court to have the town incorporated under the provision of Mansfield's Digest of the statutes of Arkansas, and gives them all the powers and rights exercised by similar town governments in that State, but no authority is given to tax the real estate in said town.

Sections 19 and 20 make it unlawful for the violation of certain provisions of the act, and section 21 provides the penalty for such violations.

Under section 22 all per capita payments hereafter made to the citizens of any said tribes are to be paid direct to the individual citizen by an officer of the United States.

Section 23 authorizes the commissioners, with the approval of the Secretary of the Interior, to employ necessary assistance, and section 24 confirms rights of way of land granted for depot, sidings, and freight storage purposes heretofore granted by Congress, where the provisions of the act have been complied with.

There was considerable complaint to your committee about the Territory being a place of hiding for fugitives from justice and it was charged that most of the crimes committed in that country and the border State were perpetrated by outlaws, who were wanted by the criminal authorities of other States, but that for some reason they were not apprehended.

Your committee after due consideration prepared sections 25 and 26, which they believe will give the required relief and enable the executive of any State to demand of the United States judge of the Territory any person in said Territory as a fugitive from justice, and your committee believe that there will be no further trouble in apprehending criminals in that country.

Section 27 requires that certain laws of the Indian councils shall have no validity until they are approved by the President of the United States. This, under the existing circumstances, your committee believes to be necessary. The committee has also made provisions in this bill for the Commission to make a complete roll of certain ex-slaves and their descendants, now in the Choctaw and Chickasaw nations and who were entitled to certain rights under former treaties with said tribes, but whom it claims have never enjoyed them. This roll and the findings of the Commission, as to whether the stipulations of the treaty have been carried out, are to be filed with the Secretary of the Interior and he is to make such recommendations to Congress in regard to the matter as he may deem proper.

In the preparation of this substitute bill your committee has made provision for the protection of life and property in the Indian Territory by extending the criminal laws of the United States and the State of Arkansas over it; giving jurisdiction to the United States courts to try and punish violators of those laws regardless of citizenship; to protect property rights by enlarging the civil jurisdiction of the United States

courts; to settle the intruder question, by giving the courts power to eject them from the lands they are wrongfully withholding from the Indians; to protect the so-called common Indians by allotting to them their right to use and occupy their part of the lands; to break up the monopoly of lands—and which has reached enormous proportions—that now exists in said Territory; to secure to the tribe the income from the rich mineral deposits and prevent that which rightfully belongs to them from being absorbed by a few enterprising individuals; to provide for the laying out of towns and for the establishment of schools and churches; to assure the people of that country the protection and relief they are entitled to, and to protect the interests of all tribes so far as possible.

Your committee is of the opinion that if this bill is passed there will be no further complaint that the criminals of this country seek the Indian Territory as a safe refuge from the officers of the law, and it is fair to say that the white people who are there in good faith and a large proportion of the Indians are anxious to secure protection against the lawless classes who have forced themselves into that country without invitation. It will also do away with the conditions that exist there now, which have, according to the evidence produced before your committee, permitted those who have committed crimes to escape without punishment, for the reason that the United States courts had no jurisdiction on account of the citizenship of the person committing the crime and the Indian courts have refused to exercise jurisdiction.

Your committee is of the opinion that the passage of this bill will go a great way toward the correction and settlement of the conditions now and heretofore existing in the Indian Territory, and that the several tribes in said Territory will avail themselves of its provisions to the extent that they will apply to Congress of their own volition to enter into new treaties which will cancel so much of their present treaty rights as to-day permit them to carry on a form of government contrary to the provision of our Constitution and laws, and will bring them into closer union with the people of our country by the adoption of such laws and forms of government as exist in the various States of the Union, and will eventually end in adding that country, which is rich in mineral deposits and contains thousands of acres of as good farming land as the sun shines upon, "to the galaxy of the Union as one of our brightest stars."

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